

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

DAVID PAYNE, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

SMITHFIELD FOODS, INC., SUN MERGER
SUB, INC., JOSEPH W. LUTER, III, C.
LARRY POPE, HON. CAROL T.
CRAWFORD, RICHARD T. CROWDER,
MARGARET G. LEWIS, WENDELL H.
MURPHY, DAVID C. NELSON, FRANK S.
ROYAL, M.D., JOHN T. SCHWIETERS and
HON. PAUL S. TRIBLE, JR.,

Defendants.

1:13 CV 00761 (LMB/IDD)

**PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT, PRELIMINARY CERTIFICATION OF THE SETTLEMENT
CLASS AND APPROVAL OF NOTICE TO THE SETTLEMENT CLASS**

Plaintiff, by counsel, files this unopposed request for this Court to enter an order for preliminary approval of settlement, preliminary certification of the settlement class and approval of notice of settlement class. The grounds for this motion are set forth in the accompanying memorandum.

Dated: October 24, 2013

Respectfully submitted,

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on this 24th day of October, 2013, the foregoing Motion was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/

Christie A. Leary
State Bar I.D. # 46338
10476 Armstrong Street
Fairfax, Virginia 22030
Phone: (703) 359-7111
Facsimile: (703) 543-5478
Email: Christie.leary@leary-law.com